

CARTER LEDYARD & MILBURN LLP

Counselors at Law

2 Wall Street
New York, NY 10005-2072

Tel (212) 732-3200
Fax (212) 732-3232

Jeffrey S. Boxer
Partner

Direct Dial 212-238-8626
E-mail boxer@clm.com

USDC SDN
DOCUMENT
ELECTRONIC
DOC #:
DATE FILED 3/22/13

570 Lexington Avenue
New York, NY 10022-6856
(212) 371-2720

MEMO ENDORSED

March 20, 2013 The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: March 22, 2013

BY FACSIMILE

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
500 Pearl Street, Room 920
New York, NY 10007

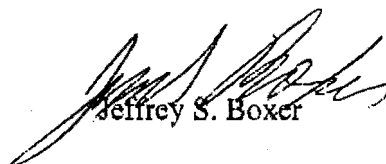
Re: Bellard v. GFI Brokers LLC, 13 Civ. 1772 (PGG)

Dear Judge Gardephe:

We represent the defendant in the above-captioned proceeding and are following up on a call that counsel for both parties had with Your Honor's Courtroom Deputy Clerk regarding an adjournment of the schedule set in an order to show cause in this matter. The order to show cause provides that defendant's opposition papers are due on March 22, plaintiff's reply papers are due on March 27, and an appearance is scheduled before the Court on April 3 at 3:15. The parties have agreed to a short adjournment of this schedule, subject to the Court's availability and approval, and the Courtroom Deputy Clerk advised us to submit this letter with proposed dates on which counsel for both parties are available for an adjourned appearance before the Court. Counsel for both parties are available for the appearance at any time on April 8 or 9. We understand that the Court has a trial that week, and if the Court is unavailable for this appearance on April 8 or 9, then counsel for the parties propose that the appearance be scheduled for April 5. We propose to agree on a briefing schedule that would provide for defendant's opposition papers to be submitted at least eight days before we appear before Your Honor and for plaintiff's reply papers to be submitted at least three days before the appearance.

The parties are uncertain whether the Court will conduct an evidentiary hearing or an oral argument on the return date. Plaintiff requests an evidentiary hearing while defendant prefers an oral argument with an evidentiary hearing to be scheduled if necessary. The parties respectfully request guidance from the Court as to whether we should be preparing for an oral argument or an evidentiary hearing.

Respectfully,


Jeffrey S. Boxer

JSB:bb

cc: David B. Wechsler, Esq. (counsel for plaintiff; by fax)